

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

10 KEITH DUNBAR, Individually, and as ) Case No.: 12-CV-03305-LHK  
11 Representative on Behalf of all Similarly ) ORDER RE MOTION TO DISMISS  
12 Situated Persons, )  
13 Plaintiff, ) (re ECF No. 120)  
14 v. )  
15 GOOGLE, INC., )  
16 Defendant. )

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17 The above-captioned case, which has been pending since November 17, 2010, was transferred  
18 from the Eastern District of Texas to this District and assigned to the undersigned judge on June 27,  
19 2012. ECF No. 179. Plaintiff's motion to dismiss Defendant's second amended counterclaim has been  
20 fully briefed and pending since December 2, 2011. ECF Nou. 342.'352. Some of the issues raised in  
21 Plaintiff's motion to dismiss appear to have been addressed by Judge Schneider's June 22, 2012 Order  
22 Transferring Case to the Northern District of California. ECF No. 178. Accordingly, the Court orders  
23 that Plaintiff withdraw his pending motion to dismiss as MOOT. Plaintiff shall file his notice of  
24 withdrawal by July 27, 2012.

25 The parties shall meet and confer to consider stipulating to the amendment of the pleadings in  
26 light of Judge Schneider's June 22, 2012 Order and this Court's orders in cases raising similar issues.  
27 The Court directs the parties to this Court's orders on motions to dismiss in *Low v. LinkedIn Corp.*, No.  
28 11-cv-01468-LHK, ECF Nos. 28 & 45, and *In re iPhone Application Litigation*, No. 11-md-02250-

1 LHK, ECF Nos. 8 & 69. By August 3, 2012, the parties shall file a joint status report informing the  
2 Court if they have stipulated to any amendments. In the absence of a stipulation, Plaintiff is free to re-  
3 file and re-notice an amended motion to dismiss after obtaining a hearing date from the Courtroom  
4 Deputy.

5 A case management conference is set for August 29, 2012, at 2:00 p.m. By August 22, 2012,  
6 the parties shall file a joint case management statement pursuant to the Civil Local Rules and this  
7 Court's standing orders.

8 **IT IS SO ORDERED.**

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10 Dated: July 23, 2012

  
11 LUCY H. KOH  
12 United States District Judge